



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: March 5, 2007

CBCA 62

SECTEK, INC.,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Jeffrey Weinstein of Jeffrey Weinstein, PLLC, Washington, DC, counsel for Appellant.

Aaron T. Marshall, Office of the Principal Legal Advisor, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC, counsel for Respondent.

FENNESSY, Board Judge.

ORDER

This appeal involves a claim in the amount of \$10,991 for attorney fees incurred by SecTek, Inc. to obtain payment due under its contracts with the Department of Homeland Security. On September 5, 2006, the Department of Transportation Board of Contract Appeals received the parties' settlement agreement providing for payment to SecTek, Inc. in the amount of \$4,937.50, plus interest. The settlement agreement also provided that appellant would request dismissal of this appeal with prejudice within 10 days of receipt of payment of the settlement amount.

When the Department of Transportation Board did not receive appellant's motion to dismiss within a reasonable time, the Board inquired of appellant as to the status of the settlement. From the information provided, the Board was under the impression that, while the principal amount of the settlement of this appeal had been paid, the interest had not been paid. Consequently, at appellant's request, this appeal was retained on the Board's docket.

On January 6, 2007, pursuant to statute, the Department of Transportation Board of Contract Appeals was terminated and its cases were transferred to the newly established Civilian Board of Contract Appeals. This case was docketed by the new Board as CBCA 62.

During a telephone conference on February 8, 2007, the Civilian Board learned that the interest issue pertained not to this appeal, but to two other cases that had been pending before the Department of Transportation Board, DOTBCA 4553 and 4566. Those appeals were settled in June 2006. On June 21, 2006, the Department of Transportation Board issued a decision awarding to SecTek, Inc. the sum of \$4,494,635.68, plus interest. On June 29, 2006, the Board forwarded its decision and other appropriate documentation to the Department of the Treasury for payment of the settlement amount, plus interest, from the judgment fund.

SecTek's counsel has informed the Board that the principal settlement amount in DOTBCA 4553 and 4566 has been paid, but the interest on it has not been paid.

While the Civilian Board recognizes the serious nature of the interest issue concerning DOTBCA 4553 and 4566, this issue is not a basis for retaining this appeal on the docket. Therefore, on February 9, 2007, the Civilian Board ordered appellant to show cause why this appeal should not be dismissed in accordance with the settlement agreement.

SecTek, Inc. responded to the show cause order on February 28, 2007, stating that it has no objection to the dismissal of this appeal.

Therefore, this appeal is **DISMISSED WITH PREJUDICE** in accordance with the parties' settlement agreement.

EILEEN P. FENNESSY
Board Judge